

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RYAN CHANDLER,

Plaintiff,

-against-

ORDER

POLICE OFFICER PATRICK KING,
POLICE OFFICER ROBERT G. PUFF,
POLICE OFFICER MICHAEL P. MOCULSKI,
and POLICE OFFICER PHILLIP J. LEONTI,

19 Civ. 10950 (JCM)

Defendants.

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Effective immediately, in light of a new District-wide health and safety protocol, it is
hereby ORDERED:

1. Anyone who is otherwise permitted to remove their mask in a courtroom may do so **only** if they have tested negative for COVID-19 using an approved molecular diagnostic test (see list below) **on the day of and prior to** when they remove their mask in the courtroom. This protocol shall apply even when the person is in a HEPA-filter-outfitted and Plexiglas-enclosed witness box or podium, and even if they are fully vaccinated and have received a booster shot.

2. If a person will remove their mask on successive days, the person may test on an every-other-day schedule.

3. This protocol **does not** apply to incarcerated persons, who are tested at their facilities prior to being transported to the Courthouse.

4. This protocol also **does not** apply to persons who have had a confirmed case of COVID-19 (verified by either a doctor's note or a viral test result) within the 90 days before the date on which they will remove their mask. Parties must provide proof of the attorney or witness's confirmed case of COVID-19 to the Covid Response team at Covid_Response@nysd.uscourts.gov and to the Chambers e-mail address at mccarthy_nysdchambers@nysd.uscourts.gov at least 24 hours prior to the start of trial.

5. The Court will provide court-approved test kits to be self-administered by the attorney or witness, free-of-charge. The court-provided test must be taken at least one hour before the attorney or witness's appearance in the courtroom. The test can be obtained and self-administered in Room 127 at the White Plains Courthouse, 300 Quarropas Street, under the supervision of court staff. To schedule a time to take the court-approved test, counsel must e-

mail Covid_Response@nysd.uscourts.gov and Bonnie_Waldron@nysd.uscourts.gov, or call the District Executive's office at (914) 390-4186, at least one business day prior to the date the attorney or witness will be tested.

7. If an attorney or witness elects not to take a court-provided test, the following is a list of approved tests that may be taken. Any questions regarding which tests are approved must be directed to the Covid Response team at Covid_Response@nysd.uscourts.gov. (NOTE: Antigen tests are **not** approved.) **To be clear, if a witness elects to take one of the following tests, the test must be taken on the day of and prior to when they remove their mask in the courtroom.**

- PCR / RT-PCR / ddPCR / Rapid PCR (Polymerase Chain Reaction)
- NAA / NAAT (Nucleic Acid Amplification)
- AMP PRB (Amplified Probe)
- LAMP (Loop-mediated Isothermal Amplification), including but not limited to the following brand:
 - Lucira Health
- TMA (Transcription-mediated Amplification), including but not limited to the following brands:
 - Abbott ID NOW
 - Quidel Lyra PCR
 - Abbott Realtime PCR
 - Cobas Qualitative PCR
 - FTD PCR
 - Xpert Xpress
 - Simplexa Direct PCR
 - RUCDR Infinite Biologics

The following is a list of tests that are NOT approved:

- All tests that do not have FDA authorization or approval
- All Antigen (Ag) tests (including but not limited to Quidel Sophia, Abbott BinaxNOW and Rapid Antigen Tests)
- All Antibody tests (such as IgG, IgA, IgM and Rapid Antibody Tests)
- All blood tests (such as fingerstick, venipuncture)
- All plasma tests
- All serum tests
- All lateral flow tests
- Any doctor's note

8. Confirmation of EITHER a negative test result on the day of testimony OR a confirmed case of COVID-19 within the prior 90 days must be submitted to the Court through its

staff **BEFORE** the person can remove their mask in the courtroom.

Dated: January 24, 2022
White Plains, NY

SO ORDERED:

Judith C. McCarthy

JUDITH C. McCARTHY
United States Magistrate Judge